

IN THE CIRCUIT COURT
OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY,
FLORIDA – CIVIL DIVISION
Case No.: 2024-022769-CA-01
Section: CA 03 Hon. Ariana Fajardo Orshan

KP INVESTMENTS MIAMI, LLC,

Plaintiff,

v.

MARIO MIRABAL

(Ariana Birencwajg),

Defendants.

_____ /

REQUEST FOR HEARING AND DEFENDANT’S NOTICE OF PENDING
VOIDNESS CHALLENGE TO UNDERLYING TITLE AND REQUEST
TO DEFER FURTHER ACTION

Defendant, Mario Mirabal, appearing pro se and as Attorney-in-Fact for Ariana Birencwajg, respectfully gives notice to this Court that the foreclosure action upon which Plaintiff KP Investments bases its purported title interest — Deutsche Bank National Trust Company v. Ariana Birencwajg and Mario Mirabal, Case No. 2018-018704-CA-01 — has been reopened before the Hon. Javier A. Enriquez pursuant to Florida Rule of Civil Procedure 1.540(d).

The motion filed in that action does not constitute an affirmative claim but is a corrective filing seeking to vacate a void order entered in December 2024, which improperly purported to dismiss the case “without prejudice.”

Defendant’s motion requests the Court to uphold the operative final judgment of dismissal with prejudice entered on March 5, 2020, which extinguished Deutsche Bank’s lien and precludes any derivative conveyance — including the transfer of title to Plaintiff KP Investments.

This filing does not waive, limit, or conflict with any of Defendant’s pending sealed federal filings, objections, or notices submitted under the Supremacy Clause of the United States Constitution (Article VI, Clause 2). However, it does place this Court on formal notice that the chain of title asserted in this ejectment proceeding is the subject of a live jurisdictional challenge grounded in fraud, FDIC regulatory violations, and legal voidness — all now properly pending before the Court of original record.

Accordingly, Defendant respectfully requests that this Court defer all further proceedings in this case until the dispositive quiet title motion in Case No. 2018-018704-CA-01 is resolved, as that outcome would render this action moot and extinguish any enforceable title interest claimed by Plaintiff.

Furthermore, Defendant notes that this matter is also the subject of ongoing federal filings and sealed proceedings related to systemic fraud, title chain irregularities, and jurisdictional defects, which remain unresolved at this time. Any further adjudication by this Court risks conflicting with those pending federal processes, including issues already preserved under the Supremacy Clause.

As relayed by the Judicial Assistant for this Court, Judge Orshan’s docket encompasses over 2,000 active cases, and motions may not be reviewed

unless a formal hearing is requested. Defendant therefore requests a hearing on this notice solely to ensure the Court acknowledges the filing, and does not overlook the pending jurisdictional conflict due to administrative volume.

Defendant further advises this Court that between June 17 and June 19, 2025, he will be in Washington, D.C., formally discussing previously submitted sealed evidence and documentation related to this case and related proceedings with the offices of United States Senator Charles Grassley and the Federal Bureau of Investigation. These submissions concern matters currently under seal in the federal record, including corrupted title transfers and misconduct across multiple state and federal judicial proceedings.

The hearing presently scheduled before this Court on June 18, 2025, directly overlaps with these federal matters. Defendant will not be attending that hearing, as jurisdiction over the subject property, the chain of title, and the conduct of Plaintiff and its agents is now under escalating federal review. This Court is respectfully advised that proceeding with the June 18, 2025 hearing — or issuing any ruling therein — may interfere with ongoing federal investigations and risk entangling this tribunal in the very misconduct now under federal examination.

Respectfully submitted, June 16, 2025

Mario Mirabal (pro se)

Attorney-in-Fact for Ariana Birencwajg,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via the Florida Courts E-Filing Portal on this 16th day of June, 2025 to all registered parties, including:

John Cunill, Esq.

Counsel for Plaintiff KP Investments Miami, LLC